

# CASE AUDIT SUMMARIES

## CHAPTER 12

In an attempt to keep the public informed of how the IPA functions, the following cases have been selected to illustrate the auditing process. These are actual cases investigated by the PSCU and reviewed by the IPA. These cases have been selected because they illustrate the different options and courses of action the IPA can pursue. To preserve the privacy of the individuals involved in each case example and to conform to current disclosure laws, locations and names have been omitted from the examples.

### CASE #1

#### IPA CONFERS WITH THE PSCU

The complainant alleged that he was arrested and taken to the SJPD preprocessing center for booking. The complainant stated that while outside the preprocessing center, the officer slammed him against the wall and struck him several times while still handcuffed. The complainant stated that although

there were no witnesses, the visible injuries to his body supported his claim of mistreatment. The IPA contacted the PSCU investigator handling the case and requested an opportunity to review the security camera tapes from the preprocessing center for the date and time in question. After the PSCU investigator informed the IPA that the tapes had already been reviewed and did not show any improper actions or activity, the IPA reviewed the tapes, then requested to visit the preprocessing center. Once at the preprocessing center, the IPA and the PSCU investigator reviewed the placement of the cameras and determined that the area where the Complainant alleged to have been mistreated was not covered by the existing camera placements. As a result of this discovery, the placement of cameras at the preprocessing center is under review by SJPD.

### CASE #2

#### IPA REQUESTS AUDIO TAPE RECORDING OF THE PSCU'S COMPLAINANT INTERVIEW

The complainant alleged that he was arrested for being drunk in public and was subjected to excessive force and kicked in the head while being handcuffed. The complainant called the IPA after his case had been closed by the PSCU. The complainant stated that his complaint regarding the officer having kicked him was not investigated. The IPA reviewed the file and requested



*Officer making an arrest.*

the audiotape interviews from the complainant and the involved officers. After reviewing the audiotapes the IPA determined that the allegation regarding the kicking incident was in fact investigated; however the allegation could not be corroborated or sustained.

## CASE #3

### IPA INTERVIEWS COMPLAINANT

#### AT THEIR RESIDENCE

The complainant stated that she drove herself to the hospital after being involved in a physical altercation with her husband. Although the complainant said she was only seeking care for her injuries, the hospital, as required by law called SJPD. The complainant alleged that when the officer arrived, she attempted to describe the altercation with her husband and her efforts to defend herself. The complainant alleged the officer appeared to be unsympathetic and asked questions that were accusatory and made her feel like she was being interrogated. Although not arrested at the hospital, the officer submitted a report listing



*Auditor conferring with residents.*

the complainant as a suspect, rather than a victim. Because of the officer's actions at the hospital, the complainant felt uncomfortable and refused to go to PSCU to be interviewed. PSCU called IPA and informed the office that the complainant was refusing to be interviewed. IPA called the complainant and after discussing the reasons for her refusal, determined that a good compromise would be to have the IPA conduct the interview. In an attempt to make the complainant feel more at ease with the process, the complainant suggested and the IPA agreed that the interview could be conducted at the complainant's residence.

## CASE # 4

### INVESTIGATION IS REOPENED AT THE REQUEST OF THE IPA

The complainant alleged that unnecessary force was used during the arrest of her husband at their residence. The complainant stated that police officers hit her husband with batons even after he complied with the officer's commands to lie down on the ground and stop resisting. The complainant stated that as a result of the excessive force, her husband's arm was broken from the baton strikes. The complainant called the IPA after the case was closed by PSCU and informed that an eyewitness neighbor was never contacted and/or interviewed. The IPA reviewed the case and requested that the PSCU re-open the investigation so that the eyewitness neighbor could be interviewed. The case was re-opened and the witness interviewed. The findings of the case remained the same however, the IPA was now satisfied with the thoroughness of the investigation.

## CASE #5

### IPA ATTENDS OFFICER

#### INTERVIEW

The complainant alleged that officers used unnecessary force while arresting him for driving under the influence. As part of the investigation on this case, the PSCU interviewed the subject and witness officers. The IPA attended the interviews of some of the officers, but because of a conflict could not attend all of the interviews. In those cases where the IPA could not attend the interviews, contact was made with the investigation officer prior to the interviews and questions provided for the investigator to ask while the officers were being questioned. The allegations against the officers were later found to be Exonerated. By attending the officer's interview, the IPA was in a better position to evaluate the complaint and it's investigation.

## CASE #6

### IPA REQUESTED COURT PRELIMINARY HEARING TRANSCRIPT

The complainant was arrested and tried for several charges

related to a civil disturbance. The complainant alleged that he was arrested without cause and while being place under arrest was subjected to excessive force and injury. The Complainant alleged that because he felt he was being mistreated, his unintended actions of self-defense were mistaken for acts of aggression and resulted in excessive force being administered. The IPA requested the court trial transcripts. By reviewing the transcripts of the sworn testimony, the IPA was better able to determine the validity of the allegations and the findings made by the PSCU.

## CASE #7

### IPA CONFERS WITH SJPD TO EFFECT CHANGE

The complainant was arrested subsequent to an arrest warrant. Officers from a specialized unit responded to the complainant's residence and forced entry into the home, breaking through a door and entering with weapons drawn. In review of the case it was determined that the arrest warrant was issued for a non-

violent offence and the complainant posed no threat of violence. It was also determined that the specialized unit was used not for the severity or high-risk nature of the contact, but rather because at the time there was a lack of enforcement personnel available to serve the arrest warrant.

Concerned with the nature of the complaint, the IPA conferred with the Commander of the specialized unit who developed a process for evaluating and weighting the threat assessment in serving an arrest warrant. New guidelines were developed that broke down threat levels on a scale of 1, 2, or 3. The guideline also addressed such issues as; tactics, type of uniform worn, and type of weapons carried.

Although the findings of the case found the actions of the specialized unit to be within policy, the newly developed guidelines provide the department and the community with a process that assures a level of safety for all concerned.

